IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 35681 of 2007(W)

PETITIONER:

NAVAS.H., AGED 28 YEARS,
S/O.HAMEED RAWTHER.S., NAVAS MANZIL,
KADAKKADU, PANDALAM P.O.

BY ADV. SRI.R.SURAJ KUMAR
SMT.GEETHA P.MENON

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF HEALTH, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR,**
KOLLAM.

3. **THE PRESIDENT, DISTRICT PANCHAYATH,**
KOLLAM, (CHAIRMAN, HOSPITAL MANAGEMENT COMMITTEE,
DISTRICT HOSPITAL, KOLLAM).

4. **THE SUPERINTENDENT, DISTRICT HOSPITAL**
KOLLAM, (THE SECRETARY, HOSPITAL MANAGEMENT
COMMITTEE, DISTRICT HOSPITAL, KOLLAM).

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO.35681 OF 2007

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Dated this the 1st day of December 2007

JUDGMENT

The petitioner is working as a Junior Scientific Officer in the Government District Hospital, Kollam, on a provisional basis. Ext.P2 notification was issued by the 4th respondent inviting applications for the post of Junior Scientific Officer and certain other posts. The qualifications prescribed therein is B.Sc.MLT (Government Medical College) and five years experience. The age limit mentioned therein is 20 to 40. Apparently, the petitioner alone applied pursuant to Ext.P2 to the post of Junior Scientific Officer. Subsequently Ext.P4 notification was issued by the 4th respondent again inviting applications for the post of Junior Scientific Officer, on a provisional basis. Certain changes have been effected in Ext.P2. The requirement of prior experience is deleted and the maximum age has been enhanced to 45. Petitioner responded to Ext.P4 also and thereafter the petitioner has challenged Ext.P4.

2. Learned counsel for the petitioner submits that no fresh selection should have been undertaken under Ext.P4. There is a change in the qualification and prior experience when Ext.P4 is issued.

This apparently was intended to facilitate appointments for extraneous reasons, it is contended.

3. It is conceded that only one person had responded to Ext.P2 for the post of Junior Scientific Officer, namely, the petitioner himself. Apparently, the 4th respondent thought that the insistence of prior experience may have to be deleted and the age limit will also have to be enhanced if more number of persons are to respond. I cannot find anything illegal in Ext.P4 in that regard.

4. Learned counsel further submits that he was not intimated of the results of the selection conducted pursuant to Ext.P2. It may be noted that it is only a provisional appointment, that was contemplated under Ext.P2 and separate intimation as such may not be required.

5. In the ultimate analysis, since what is contemplated is only provisional appointment and there is no prescription in Ext.P4 regarding either qualification or age limit which is either in violation of any statutory prescription or otherwise goes against the prescribed qualification and requirements, there are no grounds as such to interfere with Ext.P5.

6. If nevertheless the petitioner has a grievance that any irregular procedure is being followed in the matter of effecting appointment to the post of Junior Scientific officer, it is open to him to

approach the government with a representation giving suitable details and if such representation is received, the Government shall look into it and take an appropriate decision in that regard.

The writ petition is disposed of as above.

V.GIRI, JUDGE

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